

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAEGRE & BENSON, LLP,
FELICIA J. BOYD, and JOHN H.
HINDERAKER,

Plaintiffs,

v.
WILLIAM S. PURDY, SR.,
PLEASE DON'T KILL YOUR
BABY, and DOES 1 – 10,

Defendants.

Case No. CV 03-6472 MJD/JGL
MEMORANDUM IN
SUPPORT OF PLAINTIFFS'
MOTION TO COMPEL
DISCOVERY

Because defendants received no meaningful response to their interrogatories and document requests, they bring this motion to compel discovery.

FACTS

In this action, Plaintiffs assert a number of causes of action in connection with Defendants claims of cybersquatting, appropriation and otherwise infringing activities. Defendants served Plaintiffs' Second Set of Interrogatories and Related Requests for Production of Documents seeking information relevant to the claims asserted in the Complaint. See Declaration of Laura G. Coates In Support of Motion to Compel Discovery dated January 9, 2006, at ¶ 2 & Ex. A. Plaintiffs' responses to those requests were due on January 6, 2006.

Defendants have received neither executed responses to the discovery requests nor an objection to the requests from Defendant William S. Purdy. Coates Decl. at ¶ 3.

ARGUMENT

Fed. R. Civ. P. 37 provides that if a party fails to respond to a discovery request, the discovering party may move for an order compelling discovery. Defendant has offered no objection or other statement of a reason for not responding to discovery. Accordingly, the court should order plaintiff to produce the documents sought by defendants' interrogatories and requests for production of documents.

Plaintiffs have served Defendant William S. Purdy with additional discovery requests. Specifically, Defendant was served with Plaintiffs' Third Set of Requests for Production of Documents and Things on January 6, 2006. The information sought in that discovery request is reasonably calculated to lead to discoverable information that is relevant to Plaintiffs' case. See Declaration of Nevalainen In Support of Motion to Compel Discovery dated January 10, 2006, at ¶¶ 5-7. Defendants responses are due prior to the hearing date of the present motion. Defendant Purdy's refusal to obey most prior discovery obligations warrants an order requiring production of these items immediately after the hearing. Fed. R. Civ. P. 34 (b)(Court may direct shorter period for responses). The documents and other items sought in the Third Set of Requests may lead to the discovery of evidence of many of the same subjects as the Second Set of Requests, and immediate production of these items is an appropriate corollary to an order to respond to the Second Set.

CONCLUSION

The court should enter an order in the form submitted by defendants, compelling plaintiffs to respond to discovery upon pain of conclusive establishment that Defendant Purdy is the author of the statements articulated in Interrogatory No. 4 of Plaintiffs' Second

Set of Interrogatories and Related Requests for Production of Documents, and that there is no factual basis for these statements.

Dated: January 10, 2006

FAEGRE & BENSON LLP

/s/ Laura G. Coates

John Borger #9878

Laura G. Coates, #350175

2200 Wells Fargo Center

90 South Seventh Street

Minneapolis, Minnesota 55402

Attorneys for Plaintiffs

M2:20766337.02